

THE EUROPEAN SECURITY AND THE RELATIONSHIP BETWEEN THE OSCE AND NATO

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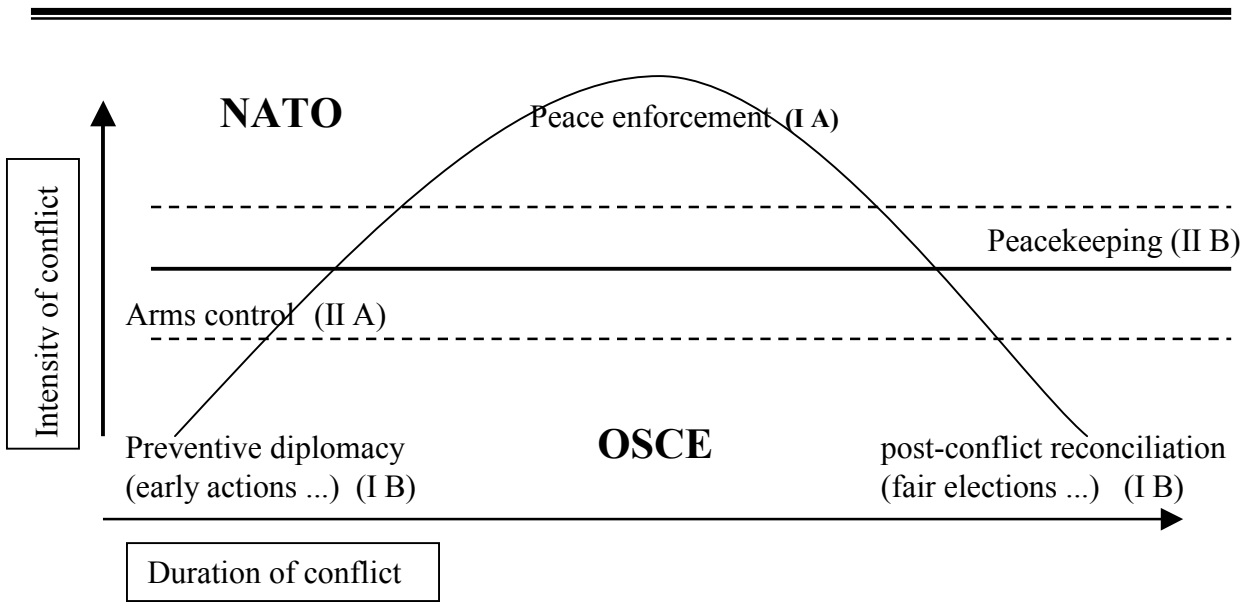
“The risks and challenges we face today cannot be met by a single State or organization”
OSCE¹

“The challenges facing the new Europe cannot be comprehensively addressed by one institution alone”
NATO²

Ten years after the collapse of the soviet block, how the notion of European security has been evolved? One could think that with the vanishing of the Warsaw Pact, NATO (North Atlantic Treaty Organization), its western counterpart, would do so. But the USA would never allow losing its control on the European defence. One should think that the OSCE (Organization for Security and Co-operation in Europe), the only organization gathering every European states including those from the former USSR, would become the privileged forum in term of European security. But NATO survived and even has begun a second life; while the OSCE tried to develop its competence field. What is the point today and what are the perspectives for the beginning of the XXIst century? The year 1999 was full of events interesting the European defence. Among them was the Kosovo crisis and the Istanbul Summit. The former was the theatre of the new NATO's strategy. The latter let the OSCE make an important step in strengthen its place in the field of European defence. I will argue that the traditional separation between the military NATO and the civil OSCE is progressively making space within both organizations can work together. The following sketch illustrates this thought:

¹ “Charter for European Security”, *Istanbul OSCE Summit*, November 1999, §12

² “The Strategic Concept of the Alliance”, *NATO Handbook 1998*



————— Separation between military and non-military actions

----- Field of shared actions

(I A) Reference to the chapters of the essay

In a first part I will analyse why and how both organizations have different field of competence. Then I will show that the co-operation between NATO and the OSCE is to be strengthened in some particular matters.

I. TWO DIFFERENT ORGANIZATIONS WITH DIFFERENT FUNCTIONS

A. The NATO: military organization and collective security under chapter VII of the UN Charter.

The NATO is, basically, an organization of collective security. It means that it faces the danger of an attack from outside against a member state of the organization. NATO would act only if one of its members is victim of an aggression. It is based on the Washington Treaty which mention “*the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations*”³. This article sanctions “*the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.*”⁴

The probability of an armed attack against a member state from another state is to be less and less possible in the current international relations. The main danger now is the occurrence of internal conflict.

By performing its air-strikes during the Kosovo crisis, NATO was out-of-law for at least two reasons: the Yugoslav crisis was not an aggression of a member of NATO, the latter used military means without the authorization of the U.N. Council. And it was a violation of the U.N. Charter (art. 2§4 on the principle of non-use of force).

NATO Handbook says that “*the security policy of the Alliance today is therefore based on three mutually reinforcing elements, namely: dialogue; cooperation; and the maintenance of a collective defence capability. Each of these elements is designed to ensure that crises affecting European security can be prevented or resolved peacefully.*”⁵ The collective defence aspect is now only one of the goals of the Alliance. Very recently, the Secretary General of NATO said that “*Ideally, the future should be characterized by more prevention and less intervention. That is why we must strengthen preventive mechanisms, from the OSCE to NATO’s Partnership initiative.*”⁶ We can wonder what should be the role of NATO in the future, considering that the outlawed intervention in the Kosovo was an exception and that it more and more insists on the need to use the prevention, which is a specialty of the OSCE.

We can argue that it remains the first military organization in Europe, which role will probably be composed essentially by peacekeeping operations, in a wider Europe (and even maybe in other countries like Mediterranean ones). But we will see that it also has a key role in the arms control, important part of the conflict prevention.

³ The North Atlantic Treaty, art. 5

⁴ United Nations Charter, art. 51

⁵ “The strategic concept of the Alliance”, in *NATO Handbook 1998*

⁶ “Peacekeeping and conflict prevention: what risks and threats in geopolitics in the future?”, *Lord Robertson intervention at the Conference “The Transatlantic Century”*, Aspen Institute, Philip Morris Institute, Rome, January 13, 2000

B. The OSCE: civil organization and co-operative security under chapter VIII of the UN Charter.

The OSCE is an organization of co-operative security, which means that its objective is to cope with the danger of internal conflicts within the participant states.

*“Our approach is one of co-operative security based on democracy, respect for human rights, fundamental freedoms and the rule of law, market economy and social justice. It excludes any quest for domination. It implies mutual confidence and the peaceful settlement of disputes.”*⁷

The co-operative approach of security means the strengthening of the European security by setting up continual dialogues about the relationships between all the participants.⁸ Maintaining this dialogue prevents the participants from using other means to settle their disputes. The OSCE is a regional arrangement in the sense of the Chapter VIII of the U.N. Charter, as recalled at Istanbul.⁹ It means *“no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council”*¹⁰. The OSCE promotes the peaceful settlement of disputes, as the U.N. Charter does.

Since they are numerous and complex, I will not describe all the mechanisms existing in the OSCE framework. But it is important to mention one of them which is the “long-term mission”. It is a non-military preventive means which leads to early warning or early actions before the situation escalates to violent conflict. The OSCE sends mission in countries within tensions are rising (Moldova, Former Yugoslav Republic Of Macedonia, Georgia, etc...). Most of them work; some did not (Chechnya). The OSCE task is also to intervene after the conflict ended in order to rebuild the society, for instance by organizing fair elections (Bosnia-Herzegovina in 1996).

Both organizations mention the indivisibility of security¹¹. But this concept is only possible in the OSCE which is the only organization gathering all the European countries plus the Canada and the U.S.A. This concept means that several organizations cannot work separately in the field of the security of a continent. That is why all the organizations concerned by it (NATO, OSCE, E.U. and W.E.U.) are always mentioning this point that the co-operation between them is to be strengthened.

⁷ “Lisbon declaration on a common and comprehensive security model for Europe for the 21st century”, §3, in *Lisbon 1996 Document*, DOC.S/1/96, 3 December 1996

⁸ RAMELOT V. et REMACLE E., *L’OSCE et les conflits en Europe*, Les dossiers du GRIP, Bruxelles, 1995, pp. 27 ss.

⁹ *Istanbul 1999 Document*, op. cit., § 7

¹⁰ United Nations Charter, art. 53.1

¹¹ For the OSCE, *Istanbul 1999 Document*, op. cit., §4 and as for the NATO, see *Handbook*, op. cit.

II. AN INCREASED CO-OPERATION IN SOME FIELDS

A. Arms control: a co-operation for the conflict prevention.

NATO needs the OSCE forum each time it needs to negotiate with the east-European countries. The OSCE is a good discussion framework within the Treaty on Conventional Forces in Europe has been signed in 1990, for instance. In accordance with the NATO Handbook, the OSCE “provide[s] a forum for wider political dialogue in a more united Europe”.¹² As for NATO, “arms control agreements and confidence-building measures, have long been an integral part of NATO's security policy”.¹³ Indeed, the CFE Treaty was first negotiated between NATO and the Warsaw Pact (march 1989). After the collapse of the Warsaw Pact, NATO needed a forum within it could dialogue with east-European states in order to sign the treaty. The treaty was finally signed within the framework of the OSCE, only organization gathering states from NATO and the former Warsaw Pact, in November 1990. The OSCE plays now a key role in the implementation of the treaty, especially within the Dayton Agreement in former-Yugoslavia.

The “Confidence- and Security-building Measures” (CSBM) were adopted by all the participant states of the OSCE.¹⁴ It is another conflict prevention action which, to be brief, allows each participant to verify the military capacities of the others. Finally, 28 countries signed a treaty “Open Skies” in March 1992. NATO has supported all these OSCE actions. All these measures (CFE, CSBM and Open Skies) were to be discussed in one forum called the CSCE Forum for Security Co-operation¹⁵.

The Dayton Agreements were an application of the co-operation between the two institutions in the field of arms control. The object of Dayton is the arms control in Bosnia-Herzegovina. In this context, the IFOR (and then SFOR) was monitoring the situation in terms of security; military aspects of the Dayton Agreements - while the OSCE was preparing fair elections; civil aspects of the Dayton Agreements.¹⁶

The two organizations also worked together in the attempt to avoid a crisis in Kosovo at the end of the year 1998: the OSCE mission was to verify that the parties comply with the requirements set forth by the international community.¹⁷ NATO was in charge of aerial surveillance and of the emergency rescue of the OSCE missions.

The Istanbul Summit has created the Platform for Co-operative Security in order “to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area”.¹⁸ Though the Document never cites NATO, the will to officialize the gathering role of the OSCE is clear. What was informal during the negotiations of the CFE Treaty will now be officially structured.

¹² “The Hand of Friendship and Cooperation”, in *NATO Handbook 1998*

¹³ “Arms Control Policy and NATO's Comprehensive Concept”, in *NATO Handbook 1998*

¹⁴ See especially the Vienna Documents of 1992 and 1994

¹⁵ “The CSCE Forum for Security Co-operation”, in *CSCE Helsinki 1992 Document, The Challenges of change*

¹⁶ See for instance ZANNIER L., “Relations between the OSCE and NATO with particular regard to crisis management and peacekeeping”, in *The OSCE in the maintenance of peace and security*, Kluwer Law International, The Hague, 1997, p. 261

¹⁷ *Annual Report 1998 on OSCE Activities*, § 2.2.4, SEC.DOC/2/98, 2 December 1998

¹⁸ “Operational Document – the Platform for Co-operative Security”, § I.1, *Istanbul 1999 Document*, op. cit.

B. Toward a complementarity in peacekeeping operations.

The OSCE is to play a “*more effective role in conflict prevention and resolution, complemented, when necessary, by peacekeeping operations*”¹⁹. The perspective that the OSCE plays a more active role in peacekeeping operations has been reinforced at Istanbul at the end of 1999: “*we have decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping*”²⁰. But the OSCE has no army, or armed capacity. NATO is therefore ready to fulfil this vacuum by “*making available Allied resources and expertise.*”²¹

What is the goal of this future new involvement in peacekeeping operations? It could be a means to increase the participation of east-European countries, and especially the Russia, in these operations. All the members of NATO are participants to the OSCE, so the latter is a wonderful forum in order to set up operations in common with the Russia, which could participate to peacekeeping operations in the future (it has already been involved in the Kosovo post-crisis reconstruction).

CONCLUSION

Which interests are at stake in the strategies of both organizations? Since it attacked the Federative Republic of Yugoslavia without the authorization of the U.N. Security Council, NATO cannot be considered as the military partner of the U.N. NATO decided to act out of the international law, and so, out of the U.N. framework. While it is also the will of the U.S. foreign policy, we can see NATO as the “U.S. arm” in Europe. On the contrary, the OSCE has always placed itself in the framework of the U.N. through its Chapter VIII. An increased partnership between the U.N. and the OSCE could lead to an opposition with the duo U.S.A. / NATO. Though the U.S.A. are also participants of the OSCE, some countries such as the Russia would be happy to increase the role of the OSCE which could progressively take its place in most of its functions. One could also see a future where NATO would be the “military arm” of the OSCE. It seems impossible because the U.S.A. would never want to give up this organization into the hands of a wider one. But a third duo plays a very important role in the European security: the E.U. / W.E.U. duo. With the recent decision to create a 60,000 strong European force able to be operational very quickly (not yet an European army)²², the E.U. shall increase its influence in this field. We could imagine that the E.U. military capacity would become the “military arm” of the OSCE operations. What is perceivable so far is that each of these institutions wants to work with the others, as we have seen with NATO and the OSCE. At least they let us know it...

¹⁹ *Helsinki 1992 Document*, op. cit., § III. 1.

²⁰ *Istanbul 1999 Document*, op. cit., § 46

²¹ “Alliance interaction with the OSCE”, in *NATO Handbook 1998*

²² See the Helsinki European Council of December 1999, § 28